During our 11 April meeting, the RDS PDP WG started deliberation on the following sub-question:

What are the purpose(s) of each existing gTLD thin registration data element?
Do they sufficiently meet the needs of purposes identified as legitimate?

In addition, answers to questions posed by our WG to the privacy experts participating in the ICANN58 Privacy Summit were introduced for discussion during our 18 April meeting. Meeting notes and materials can be found at this link: https://community.icann.org/x/CcPRAw

This poll gives all WG members an opportunity to confirm, reconsider, or elaborate upon support for one proposed WG agreement forged during the 11 April meeting. This poll also gives WG members an opportunity to suggest possible key concepts and follow-up questions associated with answers to this WG's first two questions about "Purpose," as input to next week's WG meeting.

This poll will close at COB on Saturday 15 April 2017.

As previously announced, by submitting a response to this poll, you are granting permission for your entire response - including WG member name and response timestamp - to be included in published poll results. Responses submitted by WG members are not assumed to reflect the views of any organization with which they may be affiliated.

Note: As always, a link to the most recently-opened RDS PDP WG poll, along with links to the last meeting's notes/recordings and next meeting materials, can be found here: http://tinyurl.com/ng-rds

* 1. **Your name (must be a RDS PDP WG Member, not Observer, to participate)**

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2. **Purposes for the Domain Name registration data element**
During our 11 April meeting, WG members agreed with the following statement; there were no objections voiced by those on the call.
                The domain name will be necessary for every legitimate purpose.
Please indicate below whether you agree or disagree with this statement.

◯ Agree

◯ Disagree

◯ Other (please specify)

[   ]

To inform the RDS PDP WG's deliberation on "the purpose of collecting, maintaining and providing access to gTLD registration data (…) and safeguards to protect that data," the WG posed a set of 19 questions to privacy experts participating in the ICANN58 Privacy Summit. Below appear draft answers supplied by those privacy experts to the first two questions posed by the WG.

WG members are asked to consider the answers given to these questions and extract any possible key concepts from those answers or suggest any follow-up questions that you believe may further the WG's deliberation. Please note that the following questions are NOT intended to measure support for any possible key concept, but only to help the WG analyze and then use these answers to inform its continuing deliberation.

3. **Purpose: Question #1**
The first question posed by the RDS PDP WG to privacy experts asked:
"Can you please help us understand what the data protection supervisors have meant over the years when they have told ICANN to specify the purpose of WHOIS?" and *"How would you assess the purpose of collecting gTLD registration data?"*

The draft answer provided to this question was:
"Purpose has to be defined in advance of the data processing. Purposes have to have a legitimate aim and the processing has to be necessary and proportionate to the legitimate aim pursued. Translating this to ICANN means the WG would want to take a look into ICANN role and its mission statement and separate out the legitimate data processing purposes, and determine which data are necessary for which purpose. It is to be underlined that the compatibility of the processing to the original legitimate purpose should be also looked into at this point. You have also to bear in mind that according to all existing legal texts, the data controller has to be accountable for the data processing and that the purpose of the WHOIS directories cannot be extended to other purposes just because they are considered desirable by some potential users of the directories.
To illustrate it with an example if ICANN determines that it has a role in cyber-security ,it will become accountable for these kinds of data processing (meaning accuracy of data, handling complaints, providing subject access etc...) but cannot give out data just because law enforcement authorities may find it useful.
ICANN has to define the legitimate purposes for the data processing, and secondly, determine what data may legitimately be processed for what purpose. As data protection experts, we have repeatedly pointed out that ICANN should create layered access to the gTLD registration data."

a) What (if any) possible key concepts for RDS do you see in this answer?

b) What (if any) follow-up questions do you suggest to seek clarification?

4. **Purpose: Question #2**

The second question posed by the RDS PDP WG to privacy experts asked:

"Article 6(1)(b) Directive provides that personal data may only be collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes (Article 7). Processing of personal data is allowed to a limited number of legitimate grounds, specified in Article 7 Directive. Under what circumstances might the publication of registration data elements that are personal data be allowable?"

The draft answer provided to this question was:

"The legal ground of 6(1)b can only be used if the data processing is necessary to perform a contract, in relation to each individual user. Clearly, this necessity depends on the purpose of the processing. If one of the purposes would be to allow people to get in touch with a domain name holder, ICANN needs to asses which data are strictly necessary for this purpose and which are the less intrusive ways to achieve this purpose. That is, ICANN has to assess the proportionality in relation to each user, and the subsidiarity, whether there are alternative ways of making these data available when necessary, such as the use of privacy proxies and layered access. ICANN needs to for example distinguish between registration data relating to individual users, and registration data relating to legal persons.
In summary publication is a processing operation, it needs to match a purpose and the proportionality is the key aspect to focus on: is the data published proportionate to the purpose of the processing ? (which is to keep contact with domain name holder)."

a) What (if any) possible key concepts for RDS do you see in this answer?

b) What (if any) follow-up questions do you suggest to seek clarification?

Thanks for participating in this poll. Please click below to submit your responses.

By submitting a response to this poll, you are granting permission for your entire response - including WG member name and response timestamp - to be included in published poll results.

Input gathered through this poll will be used as input to further WG deliberation on charter questions.